The American
Labor Legislation Review

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Vol. XIII SEPTEMBER, 1923 No. 3

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The AMERICAN LABOR LEGISLATION REVIEW is published quarterly by the American Association for Labor Legislation, 131 East 23rd St., New York, N. Y. The price is $1 a single copy, or $3 a year in advance. Annual subscription includes individual membership in the Association. Entered as second-class matter February 20, 1911, at the post office at New York, N. Y., under the Act of August 24, 1912. Acceptance for mailing at special rate of postage provided for in Section 1103, Act of October 3, 1917, authorized on July 13, 1918

"THE all-year work idea is bound to spread. If it could be introduced in the building trades, in the garment trades, in coal mining, and steel, it would put an end to some of our most troublesome industrial problems."

—New York *Evening World*

Immediate Legislative Issues

SUBSTANTIAL gains in protective labor legislation made in the legislative sessions of 1923 will be fully noted in the detailed Summary of New Labor Laws now being prepared for publication in the December number of this REVIEW.

A majority of the industrial states improved their accident compensation laws in the direction of greater liberality to injured workers and their dependents. With the conspicuous exception of New York, the trend has been strikingly toward lessening the waiting period after an injury before payment of cash benefit begins—a most important extension of the benefits of accident compensation since it greatly increases the number of injured workers receiving cash benefits and does away with a great deal of real hardship.

Word comes from Washington as this is written that President Coolidge has approved the action of the United States Employees' Compensation Commission in making payments to employees under the federal accident compensation law for disability arising out of occupational diseases. In this REVIEW for June, it will be recalled, was an account of the decision of the Attorney General confirming the full authority of the Employees' Compensation Commission to pay such compensation—a decision that reversed an earlier ruling by Comptroller General McCarl who took it upon himself to hold that occupational diseases were not covered by the federal compensation law and that compensation could be payable only for disability resulting from personal injury definitely determinable by place and hour. Subsequent to this, Comp-

troller General McCarl in a statement to the President denied that the Attorney General's opinion had any weight upon his ruling. However, President Harding, on the day before he left Washington for his fateful Western trip, stated that he approved of the Commission's stand under the law rather than the Comptroller General's arbitrary construction of it. In this attitude, it now appears, President Coolidge concurs, which means upholding sympathetic and effective administration of accident compensation legislation.

Adoption during the present year of pioneer state laws for old age assistance by Montana, Nevada, and the great industrial state of Pennsylvania; the extension of the old age pension act of 1915 in Alaska, and the appointment of official commissions in Massachusetts and Indiana to study the subject with a view to legislation, constitute a significant advance in social legislation along the lines of the mothers' pension laws now in effect in forty-four states and territories.

With the steel industry, under the leadership of Judge Gary, at last yielding to public demand and making a beginning in the present year toward the abolition of the twelve-hour day, further advances may be expected in legislation to abolish excessive hours throughout American industry. Particularly may we look to the forthcoming state legislative sessions to give recognition to public sentiment, recently so overwhelmingly expressed, by a wide extension of much needed laws for one day's rest in seven.

A new Congress will meet in December. Plans are under way for the early introduction of bills to provide a federal public works policy as an aid against unemployment and to extend the protection of accident compensa-

tion to the 100,000 workers in private employments within the District of Columbia. Perhaps it is not too much to hope that a Congress that is fortified by recent vigorous expressions of public policy "back home," will carefully refrain from repeating the failures of its much-criticised predecessor.

An issue calling for federal action is that of the veto power of the courts. Adverse decisions of the United States Supreme Court nullifying social legislation, particularly in the case of the minimum wage for women and the child labor laws, have been a setback to progress in raising labor standards, but they have aroused a large body of public interest that may be expected to bring about reasonable limitations of the power of the courts to overturn legislation enacted in response to general public demand.

Coal mine tragedies continue to provide sensational news. That in Wyoming a few weeks ago, in which 99 miners were killed, is the most recent of an appalling series of disasters due to explosions in coal mines within the past year. There is urgent need of strengthening safety measures, particularly to prevent dust explosions. A practical program of prevention is outlined on page 177 of this REVIEW. A high opportunity confronts the United States Coal Commission to present, in its report still to come, official recommendations that will give added weight and impetus to the campaign to do away for all time with the needless sacrifice of lives among the men who dig our coal.

One of America's great safety measures is the La Follette Seamen's Act which protects not only the men who man the ships but also the traveling public. Certain shipping interests have recently been much in evidence with suggestions that the act should be "amended." Is

there serious danger that the law will be weakened? Is it being administered effectively? An inquiry is under way to determine what, if anything, must be done further to safeguard the benefits of this measure.

The desirability of keeping our American contacts with international labor legislation and of participating in international conferences that lead to increased mutual understanding was never more apparent than now. Post-war revival of the activities of the international scientific associations, of which the American Association for Labor Legislation serves as the American Section, is being brought about in the present year. The secretary of the American Association will act as unofficial observer for the President's Conference on Unemployment at the conference of the International Association on Unemployment to be held September 9-11 at Luxemburg, and will also represent the Association at the eleventh general assembly of the International Association for Labor Legislation to be held at Basle, October 11-13. A study will be made in Europe of international problems arising as a result of the American Seamen's Act; in the reciprocal treatment of wage-earners of the various countries under accident compensation laws, and in provisions for the prevention of dust explosions in coal mines, as well as of the problem of unemployment.

JOHN B. ANDREWS, *Secretary*,

American Association for Labor Legislation.

Legislative Notes

AN important demand of the miners—**abolition of the twelve-hour day**—was formally, and promptly, pledged, July 9, by the anthracite coal operators during the joint wage scale conference at Atlantic City. Score again for Public Opinion!

◇

"WE are entirely conscious," said Samuel D. Warriner, chairman on behalf of the anthracite operators, "that the idea that a man should be required to work a **twelve-hour day** is not deemed compatible with what we call our 'American standards.' We feel elimination of this practice is dear to your hearts and that public feeling considers it out of date."

◇

A STATEWIDE campaign has been organized in New York under official auspices for the **prevention of industrial accidents and diseases.** At a conference called by Governor Smith and held in the office of the state labor commissioner, Bernard L. Shientag, July 18, representatives of employers, labor bodies and social service organizations united in a crusade for industrial safety and for informing the public as to the provisions of the state labor laws. In addition to a central committee to be known as the Educational Council of the State Department of Labor, the conference created a committee on plan and scope for the active conduct of the safety campaign. The American Association for Labor Legislation is represented by its secretary on the committee.

◇

JOHN L. LEWIS, president of the United Mine Workers of America, in a recent letter congratulating the Eagles for "promoting **old age pension legislation** in the various states," writes that the United Mine Workers—the largest trade union in America—will continue its full cooperation in the legislative campaigns to extend old age pensions to all of the states.

◇

A **Conference on Women's Wages and the Supreme Court Decision,** held in Washington May 15-16 at the legislative headquarters of the National Women's Trade Union League, provided for the organization of a joint committee to examine proposals for restricting the power of the United States Supreme Court to declare laws unconstitutional; for amending the federal constitution for the broad purpose of insuring protection of social legislation and the rights of labor; for amending the federal constitution so as to give to the states and Congress the

power to enact minimum wage legislation; and for lending support to minimum wage measures to come within the limits of the Supreme Court decision, as well as other proposals having similar ends. The joint committee, on which the Association for Labor Legislation is represented by the secretary, is asked to make its final report by November 1.

◇

AGAIN a jail door has closed behind a New York employer who neglected to insure under the workmen's compensation law. Frank Greitzer, Brooklyn, principal stockholder in the Continental Woodwork Company, was sentenced to thirty days in the workhouse and the corporation was fined $500 on the same charge—**failure to take out workmen's compensation insurance** for the protection of an employee who lost three fingers while at work.

◇

NEW orders under the **British Columbia** coal mines regulation act have been issued to promote greater **safety in mines,** particularly against gas explosions. In 1922 rules were issued governing the use of electrical power in coal mines.

◇

ALICE HENRY, writing on "The Actor's Sunday" in *Life and Labor Bulletin,* says that one drawback to being a public entertainer is the **seven-day week.** "The Actors' Equity Association," she states, "is out to abolish it, in those states where it exists, and to prevent its being legalized in those other states where Sunday performances at present cannot be given."

◇

THE government in **Japan** is drafting a plan for **workmen's health insurance,** which will be compulsory for workers in factories employing more than 300 employees.

◇

THE supreme court of California, on June 15, held unconstitutional the act of 1919 requiring employers to pay $350 for each compensable death of an employee not leaving dependents, to be used for **rehabilitation** and reeducation of injured workers.

◇

FAILURE of the Pennsylvania assembly to pass a bill to liberalize awards under the **workmen's compensation law** and to reduce the waiting period from ten to seven days, is laid to "a sudden change of heart" on the part of certain legislators. Thomas J. Kennedy, a prominent official of the miners' union, in a statement following the vote, said: "Last night we had 118 pledged to vote for the passage of the Joyce compensation bill. During the early hours of the morning the manufacturers-coal operator lobby which was equipped with plenty of money and whisky started their drive on the weaklings in the House, and with the

help of treacherous Republican leaders from Philadelphia and Allegheny counties succeeded in getting enough pledged votes to remain away from the morning session and enough others to dodge so that it was impossible to secure the constitutional majority necessary to enact the measure. We have been temporarily checked in our humanitarian efforts to increase compensation to the injured and to the widows and orphans of the commonwealth, but we are resolved that the fight shall not stop."

◇

INSTITUTION of the **eight-hour day** in the steel industry in the Birmingham district, news despatches state, has been postponed by the Tennessee Coal, Iron and Railroad Company.

◇

PROMPT settlement of compensation by the Wyoming **state fund for accident insurance** came as a timely aid to widows and children of miners who were killed in the Kemmerer coal mine disaster of August 14, in which 99 miners lost their lives. In 33 cases awards were made almost immediately, totalling $133,070.01. Remaining cases await proof from claimants, most of whom live outside the United States.

◇

SEVEN Canadian provinces have enacted **minimum wage laws** for women, Alberta's act of 1922 being the most recent.

◇

MORE than 30,000 disabled war veterans have been **rehabilitated** by the federal Veterans' Bureau and have gone into employment within the last two years. Statistical studies made on some 20,000 show that they are earning more than they earned before the war. "Employers throughout the country who have had these men in their employ," according to the Chamber of Commerce of the United States, "give favorable reactions as to the satisfactory services of the rehabilitated men."

◇

IN Queensland, **Australia,** the **unemployment insurance act** of 1922 went into effect by proclamation of the governor on March 1, 1923.

◇

SECRETARY HOOVER, in an introduction to a volume, "Trade Association Activities," recently published by the Department of Commerce, writes: "There is no question but that the curves in the business cycle from activity to depression have been less disastrous in those industries or trades where accurate, lawful statistical data have been available to all. * * * If industry is to march with reasonable profits instead of undergoing fits of famine and feast, if **employment** is to be held constant and not subjected to vast waves of hardship, there must be adequate statistical service."

GOVERNOR PINCHOT, in vetoing a bill to impose a state tax on premiums paid into the **state accident insurance fund,** July 13, declared: "I am not willing to join in the placing of any obstacle between the employers of the state and the use of the state workmen's insurance, whether the obstacle would be insurmountable or not. **I believe that the idea of workmen's compensation insured through the state fund should be fostered to the fullest reasonable extent."**

◇

A DIVIDEND of $2,500,000 has been declared by the Ohio Industrial Commission, for the fiscal year ending June 30, to employers insured in the **state accident insurance fund.** The exclusive state fund continues to make an increasingly impressive showing of economy.

◇

INFORMATION regarding measures recommended for the prevention of mercury poisoning are given in Serial 2354, just issued by the Federal Bureau of Mines. This **occupational disease** has long been recognized as a hazard in mining operations, but it is also prevalent in industries, trades and arts in which mercury is used.

◇

LEO WOLMAN, of the New School for Social Research, addressing the Casualty Actuarial Society, said: "Judging by the extensive and sustained interest in **unemployment insurance,** it seems reasonable to believe that it will be only a short period of time before one or more of the American commonwealths will embark on the experiment of compulsory unemployment insurance" just as, a decade ago, "they had embarked on similar experiments in the field of accident insurance."

◇

JOHN A. MCGILVRAY has been appointed a member of the **California Industrial Accident Commission,** succeeding A. J. Pillsbury, who resigned. Mr. McGilvray was chief of the Legislative Counsel Bureau at Sacramento.

◇

A VERDICT for $9,000 has been awarded by a supreme court jury at Rochester to Spencer Whitaker against the Utica Mutual Insurance Company. The plaintiff charged that the **insurance company** circulated a pamphlet which cast suspicion upon and injured his project of a workmen's compensation insurance business.

◇

WHAT is termed "one of the most advanced attempts at social legislation made by a Central European state," is being undertaken by **Czecho-Slovakia.** An official commission has just completed the draft of **old age and invalidity insurance legislation** which is said to be assured of adoption. The measure includes all employed manual and "white collar" workers. Benefits will apply to incapacitated persons who are

no longer able to earn two-thirds of a specified living wage. Old age payments will be granted to all insured citizens who have reached the age of sixty-five. The cost of the insurance will rest equally upon employer and employee, with the state also contributing. Existing health insurance provisions will be amalgamated with the new state organization for old age and invalidity insurance.

◇

THE Cloth Hat and Cap Makers' Union at their convention in June decided to work for the adoption of a plan for **unemployment insurance** by the industry.

◇

THE Central Conference of American Rabbis, at a meeting June 28, endorsed the platform of its social justice commission, headed by Rabbi Horace J. Wolf of Rochester, which declared for protective labor legislation, including a maximum **eight-hour day** for all industrial workers; a compulsory **one day of rest in seven;** the abolition of **child labor,** and **old age** and **unemployment insurance.**

◇

A DELEGATION from the Trades and Labour Congress of **Canada,** headed by its president, Tom Moore, recently submitted to the premier a number of demands on the federal government, including the **abolition of private employment exchanges, development of the public employment service** and the **immediate institution of unemployment insurance.** Mr. Moore also asked that legislation be passed to give effect to the resolution adopted by Parliament in favor of **old age pensions.**

◇

DR. ROYAL A. MEEKER, commissioner of labor and industry of Pennsylvania, has stated that 20,000 **more industrial accidents** were reported to the Workmen's Compensation Bureau for the first four months of 1923 than for the corresponding period of 1922.

◇

BY a vote of only five less than the constitutional majority of twenty-six a bill for **old age pensions** was defeated in the Illinois Senate June 1, twenty-one senators voting for the measure.

◇

WRITING in *The Survey* on the Montana **old age pension law** in effect March 5, Belle Fligelman says: "But even as a change in the method of distributing public charities, the new so-called old age pension system is welcome. It gives the recipient of the pension a certain latitude of choice in the use of the money which the county is spending on him. And it makes the proverbial dignity of gray hairs a shade more real by investing the penniless aged folks with a certain amount of self-respect which the common poor farm now denies them. A considerable number

of aged inmates of the Lewis and Clark poor farm have already voluntarily made inquiries regarding the method of application for a pension, declaring that they would a thousand times rather live meagerly on an income of their own than comfortably in the poor farm with its connotation of disgrace."

◇

LEWIS T. BRYANT, state commissioner of labor of New Jersey, who died June 27, was a **veteran labor law administrator.** General Bryant had served continuously as labor commissioner since the creation of the office in 1904 and had only recently been reappointed with the strong endorsement of both labor and employers.

◇

SAFETY work in Oregon is showing results according to official data on fatal accidents subject to the **compensation** law. In 1921 one fatal injury occurred on an average for each 154,647 work days, while in 1922 there was but one fatal case in 174,579 work days—an improvement in the frequency of occurrence of over 11 per cent.

◇

INVESTIGATION now under way by the Interstate Commerce Commission has brought out evidence that, since the shopmen's strike of 1922, defective railroad equipment, menacing to public safety, has been used in defiance of **federal safety laws.** Locomotive 405 of the Lehigh Valley Railroad broke down 19 times in 3 months and then ended its "lawless" career by sending its crew to death. Out of 90 particular cases of engines "OK'd" by the Lehigh management, re-inspection by government inspectors found 63 defective, and of that number 26 were ordered out of service. Twenty-four of these engines had not been reported on at all. "It is to be noted," said the inspector's report, "that the railroad reports of monthly inspections showed these locomotives in each case to be in good condition."

◇

COMMENTING upon the enactment of an **old age pension law** in Pennsylvania, the Dayton (Ohio) *Journal* says: "Pennsylvania has embarked on an experiment which promises to blaze a new trail in state and local treatment of the aged poor."

◇

SIXTEEN cases of **anthrax** have been reported to the Pennsylvania Department of Labor and Industry for the first six months of 1923. This indicates that the disease is increasing. For the entire preceding year there were 22 cases, of which 20 were of industrial origin and occurred in workers handling imported skins, hides, hair and wool. Dr. Royal Meeker, chief of the department, announces that plans are under way for effective federal-state cooperation in protecting wage-earners from the dreaded disease.

A REFERENDUM on a **forty-eight-hour working week for women and children** is provided for in a bill passed by the Maine legislature. The governor has called a special election for October 15.

◇

DEATH benefit under the Vermont **accident compensation act** remains at the $3,000 limit. An effort was made at the recent session of the legislature to raise the limit to $5,000. This failing, $3,500 was asked. But the senate stood pat against any increase at all, thereby placing a black mark against its own record in a year of widespread liberalization of compensation laws.

◇

ACCIDENT compensation has been awarded by the Wisconsin Industrial Commission to a woman employed by an industry to do knitting work at home. She was injured while on her way to the factory for material. The decision has been referred to as one of the "most advanced" handed down under the **compensation** law.

◇

OCTOBER 1 is the date of the forty-third annual convention of the **American Federation of Labor** to be held in Portland, Oregon.

◇

CHARLES HAUGH, JR., actuary for the North Dakota state **Workmen's Compensation Bureau,** has been made secretary of the Bureau, combining this office with that of actuary.

◇

DETAILED regulations have been issued by the department of labor and industry of **New South Wales** for the administration of the act of 1922 providing compensation benefits, including medical care, to workers in metal mines disabled by **lead poisoning** incurred in the course of their employment.

◇

IMPORTANT changes made in 1923 in the Texas **accident compensation law** include an increase of the weekly maximum from $15 to $20, and the extension of the period of medical care.

◇

REQUIREMENTS for **safety** in the various phases of the lumber industry are embodied in the Logging and Sawmill Safety Code recently completed by the federal Bureau of Standards.

◇

PROPOSALS have been made, growing out of the long-continued abnormal unemployment in **Great Britain,** that the unemployment benefit payable under the **unemployment insurance acts** be used in part payment of wages on relief work provided through local authorities and in aid of wages

paid by private employers. These proposals for "raiding the unemployment fund" to "subsidize wages" are opposed in a vigorous report just completed by the Government which concludes that they "would be objectionable in principle, as gravely endangering the contributory basis of the fund, and impossible in practice without serious inequities and risk of abuse."

◇

THE eleventh annual meeting of the **International Association of Public Employment Services** was held in Toronto, Canada, September 4-7.

◇

EMPLOYERS and labor have joined forces in Ohio in support of a constitutional amendment, to be voted upon in the November election, **eliminating the open liability** of employers in personal injury cases.

◇

DR. L. R. THOMPSON, surgeon, United States Public Health Service, in an address before the women's advisory council of the service, declared that **"the foundation of industrial hygiene in this or any other country is based on industrial laws."**

◇

URGING the Ohio legislature not to reduce the appropriation for the administration of the **workmen's compensation law** so as to cripple the service, Governor A. V. Donahey in a special message, April 5, wrote: "You and I jointly have a sacred obligation to protect our workmen's compensation fund now amounting to $40,000,000, all belonging to men and women injured in industry or to dependents of workers who lost their lives in industrial accidents. The people of Ohio expect the legislative and executive branches of the government to exercise economy, but I am sure they do not want unwise economy at the expense of the unfortunates of our states. I beseech you, therefore, not to handicap this great humanitarian work but to appropriate ample funds to safeguard our workmen's compensation system from its enemies who still are seeking to destroy it."

◇

"GOVERNOR PINCHOT'S appointment of **T. Henry Walnut** as chairman of the Workmen's Compensation Board is worthy of hearty commendation. This important board might easily have been handed over to the control of machine politicians. Mr. Walnut is clear of factionalism. No political influences will swerve him."—*Philadelphia Inquirer.*

◇

IN the Wisconsin senate the bill for **unemployment compensation** failed of passage. With prospects of a close vote, the opposition proposed that the bill be dropped temporarily and a legislative committee created to study the subject further. This was accepted in good faith by friends of the measure, but the opposition then killed the proposed investigation.

One-Day-of-Rest-in-Seven Legislation
An Immediate Issue

By John B. Andrews

"WE DO not believe in the seven-day week," declared Judge Gary of the United States Steel Corporation in a widely published letter June 25, 1923, to Rev. H. L. Bowlby of the Lord's Day Alliance.

For years the Steel Corporation has been the chief offender in driving its labor twelve hours a day and seven days a week, not to mention the dreaded twenty-four hour turn. Now a thoroughly aroused Public Opinion has forced the steel industry to announce the abolition of the twelve-hour day, beginning in the present year. And recently Judge Gary has publicly stated that the Steel Corporation is "operating on the six-day week basis"; that he is "not aware of any infringement."

With the flag of surrender raised at last over the main citadel of inhuman working hours, the force of public demand may be expected to find acknowledgment in forthcoming sessions of state legislatures. This should result, for one good thing, in a wide extension of legislation for one-day-of-rest-in-seven.

Substantial beginnings have been made. A decade of consistent effort has laid a firm groundwork for an informed public opinion and has resulted in a half dozen laws embodying the principle of the weekly rest day. The Federal government has extended the six-day working week by law to postoffice employees.

The most effective laws thus far enacted for one day's rest in seven—notably in Massachusetts, New York and Wisconsin—have followed the "Standard Bill" prepared by the American Association for Labor Legislation a dozen years ago. In preparing the standard bill as an aid to uniform state legislation, the special committee created at the Association's annual meeting in 1911 recognized that, rather than a rigid adherence to the principle of the old Sabbath laws, modern industrial conditions call for a new type of law, based on a new principle—a law that, with reasonable elasticity in cases of emergency or unusual industrial conditions, forbids an employer to work his men seven days a week, and yet permits an industry necessarily or desirably continuous to operate seven days a week.

"Tired men are partly poisoned men." This declaration at the Association's annual meeting in 1913 by William C. Redfield, then Secretary of Commerce, struck the keynote of the legislative campaigns that have since been waged for shorter working hours on the basis of efficiency as well as of social justice.

In 1923 vigorous campaigns for one day's rest in seven legislation were waged in Minnesota, Illinois and Pennsylvania.

In Minnesota a law was enacted—a weak, emasculated measure, however, that reflects little credit upon the legislature. An imposing list of occupations is specifically exempted by the act, including significantly, steam and electric railroads, telephone and telegraph companies, and flour mills. Indeed, Minnesota citizens may, by reading the exemptions, get a new and startling picture of the extent of seven-day labor in the state!

In Pennsylvania and Illinois—the two states having most seven-day labor—the rest-day bills, after passing the lower houses of both states, were ruthlessly strangled. Opposition tactics in Pennsylvania, particularly, recalled the methods resorted to several years ago in New York by Speaker Sweet when he smothered the "welfare bills" in committee—thereby arousing nationwide protest against the violation of representative government. On March 6, the Pennsylvania House (for the second time) passed the well-considered one-day-of-rest-in-seven bill by an overwhelming vote of 170 to 17. But in the Senate there was no vote. The bill was buried in the committee which in Harrisburg is known as "the legislative graveyard." Senator Daix, who controlled the reporting out of the bill, resisted a strong, representative demand and refused to allow the bill to come before the Senate for a roll call.

The issue is clear-cut. The seven-day week is just as clearly an offense to the public conscience as is the twelve-hour day. It strikes at the well-being and efficiency of many thousands of workers. It is publicly repudiated by employers: witness the referendum of the United States Chamber of Commerce which agreed, 1676 to 3, that "one day of rest in seven, or its equivalent, should be provided." If the public really cares—if public opinion continues to assert itself as vigorously as it has during the past few months against inhuman working hours in industry—we may look to state legislatures at the coming sessions, including Pennsylvania and Illinois, to speed the adoption of well considered, effective legislation insuring to wage-earners the protection of one day's rest in seven.

Two More Mine Tragedies!

Program for Prevention

SINCE the terrific explosion in a New Mexico coal mine, February 8, in which 120 miners were killed, there have been two major disasters in coal mines—one in Colorado, May 5, which **wiped out the lives of 10 miners,** and another in Wyoming, August 14, which took its **ghastly toll of 99 lives,** most of the fatalities occurring a mile underground with the bodies "charred beyond recognition."

Both were caused by explosions.

> "Throughout the day the little settlement of Frontier had a pitiful spectacle," said the news dispatches. * * * "As the cars came up the main shaft from below with their tragic weight, the 1,500 watchers—mothers, sweethearts, wives and fathers—surged through the guard. * * * There was hardly a home in Frontier that was not affected." One miner, "the outstanding hero of the explosion," who saved 29 of his companions by fighting to get them to erect protecting barricades, has gone insane as a result of his experience.

The widows and children of the dead miners are assured prompt accident compensation—since the relief—estimated at about $500,000—is payable from the State Compensation Fund.

These tragedies of 1923 follow an appalling series of fatal mine accidents in 1922. In that year there were eleven major disasters in coal mines, due to explosions. These accidents caused the death of 264 men. **In ten years we have killed nearly 25,000 miners!**

How long shall these killings continue? When will the public insist upon removing for all time the dreaded spectre of violent death that stalks through the mines?

Mine bureaus have existed for many years. Accident compensation laws have provided at least partial relief for those left dependent. **But safety standards are still inadequate.**

The United States Bureau of Mines has shown that many of the worst hazards of mining can be eliminated. Director Bain of the bureau declares that "explosions can and must be prevented." Results, however, depend upon local and state action.

In order to make safety work in the mines more effective, the American Association for Labor Legislation is urging as a beginning that protective legislation be strengthened—

(1) to safeguard mine inspectors against partisan interference—whether political or industrial—and to place them upon a basis of training and experience;

(2) to offer—through workmen's compensation laws—inducements to careful employers who reduce hazards by proper safeguards;

(3) to require sprinkling with rock dust to prevent the tragedies due to coal dust explosions.

—New York World, July 7.

"I Surrender—in a Few Months"

Steel Abandons the Twelve-Hour Day

A Demonstration of the Power of Public Opinion

By Frederick W. MacKenzie

"**Chicago, Aug. 13.**—Several hundred men in the open hearth and other departments of the steel mills at Gary, Ind., and South Chicago, were the first beneficiaries this morning when the eight-hour shift went into effect at 8 o'clock. The long talked-of 'eight-hour day' * * * had become a reality, and the workmen in the steel communities were evidently elated."—**News dispatch to the New York** *Times.*

◇

"**Chicago, Aug. 13.**—At the homes of the 'lucky'—those who were in the first group to be granted the change from the twelve to the eight-hour day—breakfast was waiting. In many workmen's cottages wives and children waited impatiently for the novel experience of having 'Daddy' talk and play with them for an hour or two before throwing himself exhausted on the bed to sleep until the time for the shift."—**News dispatch to the New York** *World.*

◇

"**Pittsburg, Aug. 20.**—The new eight-hour day in the steel mills is attracting workmen who have never had any connection with the industry, and mill managers and employment agents to-day were predicting that it would not be long until the labor shortage indicated last week would be overcome and all the plants would be in full operation on the three-shift schedule."—**News dispatch to the New York** *Times.*

THIRTY years of effort to abolish the twelve-hour day in the steel industry culminated in 1923 in an informed and insistent Public Opinion that could no longer be ignored by the managers of Steel. The chief stronghold of inhuman working hours surrendered.

When in the spring of 1922 the President of the United States, at a dinner at the White House to leading executives in the steel industry, urged the abolition of the twelve-hour day, he was giving distinguished expression to a public demand that had long been taking form on a solid basis of fact and interpretation.

In response to the President's request, on May 26, 1922, the American Iron and Steel Institute, of which Judge Gary of the

United States Steel Corporation is president, appointed a committee, of which Judge Gary was chairman, to consider changing the working hours.

A year later, May 25, 1923, the committee submitted a report, which was unanimously adopted by the Institute, refusing to eliminate the twelve-hour day "under the present conditions."

Ten weeks later, on August 2, the Institute reached a different decision. It decided to eliminate the twelve-hour day, as rapidly as possible. And on August 13 a beginning was made by introducing the eight-hour shift in the open hearth departments of Steel Corporation mills.

During the ten weeks following the Steel Institute's action of May 25—in not merely refusing to do away with the twelve-hour day but in actually condoning it—the white heat of public disapproval beat without respite upon the steel heads.

The result stands as one of the most remarkable demonstrations in the history of industrial progress of the power of the public to compel the repudiation by employers of indecent working standards, however strongly entrenched.

Judge Gary had admitted earlier in the year, in January, in an address to the presidents of subsidiary companies of the Steel Corporation, that he was "very much worried over the twelve-hour day question" and that while "looking for a solution" he was doing so "not because I think it necessarily harmful, but largely for the reason that there is more or less public sentiment against it." By August, Judge Gary probably had no remaining doubt that there is vastly "more" than "less" adverse public sentiment to which he must bow.

Going Against Fact and Sentiment

The Institute's adverse report was of a kind to invite criticism. It stated that the shortage of labor made it impossible to lessen hours without seriously curtailing needed production. It asserted that the abandonment of the twelve-hour day would require at least 60,000 additional employees and would cause a 15 per cent increase in prices to consumers. It laid part of the responsibility for "labor shortage" in steel on immigration restrictions. It suggested that at some future time the shortening of the work day might be favor-

ably considered by the Institute "if" labor should become sufficient, and "provided" the public would consent to higher prices, and "provided further" that "employees would consent and that industry generally, including the farmers, would approve."

The report charged that the workers themselves stood in the way of a shorter work-day; that labor wanted the twelve-hour day! The agitation against the twelve-hour day was "not created or endorsed by the workmen themselves," according to the Gary committee, which "asserted with confidence that there is less physical work, as a total per day, and less fatigue from the work of the twelve-hour day in the steel industry, than pertains to the large majority of the eight-hour men." Furthermore, said the report: "Whatever will be said against the twelve-hour day in the steel industry, investigation has convinced this committee that the same has not of itself been an injury to the employees, physically, mentally or morally. Whether or not, in the large majority of cases, twelve-hour men devoted less time to their families than the employees working less hours is perhaps questionable. * * * The workmen, as a rule, prefer the longer hours because it permits larger compensation per day."

The Institute's action and its explanation to the public did more than affront the public conscience; it went dead against the facts brought out in many competent, disinterested investigations. Of pioneer importance is the "Pittsburgh Survey" of 1907-08 and the ensuing volume "The Steel Workers" by John A. Fitch. Still fresh in people's minds were the report on the steel strike of 1919 by the Interchurch World Movement, the report of the Cabot Fund investigation, and the significant report of 1922 on the twelve-hour shift in industry by the Federated American Engineering Societies —all proving the evil effects upon the workmen as producers, citizens, heads of families and human beings. It was noted, too, that the Institute's statements were strikingly at variance with the opinion of the committee of stockholders of the United States Steel Corporation, Stuyvesant Fish, chairman, which investigated hours of the steel workers in 1912, and held "that a twelve-hour day of labor, followed continuously by any group of men for any considerable number of years means a decreasing of the efficiency of the vigor and virility of such men."

—Chicago Daily News.

The Wrong Kind of Melting Pot

—New York World, May 28.

The Workmen Prefer the Longer Hours—Judge Gary

Social service organizations, labor bodies, church and engineering federations, with the strong cooperation of the press, united in assailing the report. A striking feature of the campaign was the joining of forces by Protestants, Roman Catholics and Jews—represented by the Commission on the Church and Social Service of the Federal Council of Churches, the Social Action Department of the National Catholic Welfare Council and the Social Justice Commission of the Central Conference of American Rabbis—in issuing a vigorous statement against the Institute's action. Newspapers and magazines, irrespective of partisan or economic color, reflected and stimulated popular resentment in stirring features and editorials.

A Compelling Argument for Legislation

In statements carried by the press immediately following the Gary report, the American Association for Labor Legislation pointed out (1) that at least twenty independent steel companies have successfully installed the eight-hour day; (2) that, in the face of Judge Gary's pleas, two big companies had just abolished the twelve-hour shift in their open hearth departments "at the request of their workers" who were "so opposed to the long shift that they are willing to accept less pay to secure an eight-hour day;" (3) that "information now coming to the Association for Labor Legislation indicates that many who had confidently looked to the steel managers to set their own house in order now see the futility of waiting longer upon voluntary action to bring about reasonable hours and a weekly rest day;" (4) that Judge Gary's position "is in utter disregard of promises, made since the Armistice by leading representatives of industry and of the United States Chamber of Commerce, that business would meet public expectations by voluntarily abandoning anti-social policies if it were kept free from legislative interference;" and (5) that **"by clinging to the twelve-hour day, Judge Gary has strengthened the argument for the adoption of legislation to protect the workmen in all steel mills and other continuous processes against excessive hours."** The Association's "Calendar of the Twelve-Hour Day in the Steel Industry"[1] showing the failure of efforts of

[1] See *American Labor Legislation Review*, Vol. XII, No. 2, June, 1922, p. 121.

—Labor, August 4.

Hammering Him Into Shape

—Cincinnati Post.

Try to Get It!

the past thirty years to induce the biggest steel interests to do away with the twelve-hour day and the seven-day week, and an article in the June number of the AMERICAN LABOR LEGISLATION REVIEW, vividly describing personal experiences in the twelve-hour shift, were given extensive publicity.[2]

The Institute Reconsiders

President Harding expressed disappointment over the adverse report of the steel committee. In a letter to Judge Gary, June 18, he requested the Institute to pledge itself to the abolition of the twelve-hour day "when there is a surplus of labor available." Replying, June 27, Judge Gary agreed that "undoubtedly there is a strong sentiment throughout the country in favor of eliminating the twelve-hour day, and this we do not underestimate." Therefore, he announced, the steel executives "are determined to exert every effort at our command to secure in the iron and steel industry of this country a total abolition of the twelve-hour day at the earliest time practicable" and "we think it can be brought about without undue delay when, as you stated, 'there is a surplus of labor available.'"

A month later, public criticism continuing unabated, the directors of the Iron and Steel Institute met in New York for action. Judge Gary's statement of August 2, announcing the final decision of the Institute to begin at once the elimination of the twelve-hour day, stated that "manufacturers of iron and steel, representing substantially the entire industry of this country, will now begin the total elimination of the twelve-hour day and will progress as rapidly as the supply of labor will permit. * * * Where the hours of employees connected with continuous processes are reduced from twelve to eight hours, their wage rates will be so adjusted as to afford earnings equivalent to a 25 per cent increase in hourly and base rates."

In beginning the introduction of the eight-hour shift in the Steel Corporation mills, August 13, the managers announced that "the progress which we shall be able to make immediately depends on

[2] See "The Twelve-Hour Shift," by Charles R. Walker, author of "Steel: The Diary of A Furnace Worker," in the *American Labor Legislation Review*, Vol. XIII, No. 2, June, 1923, pp. 108-119.

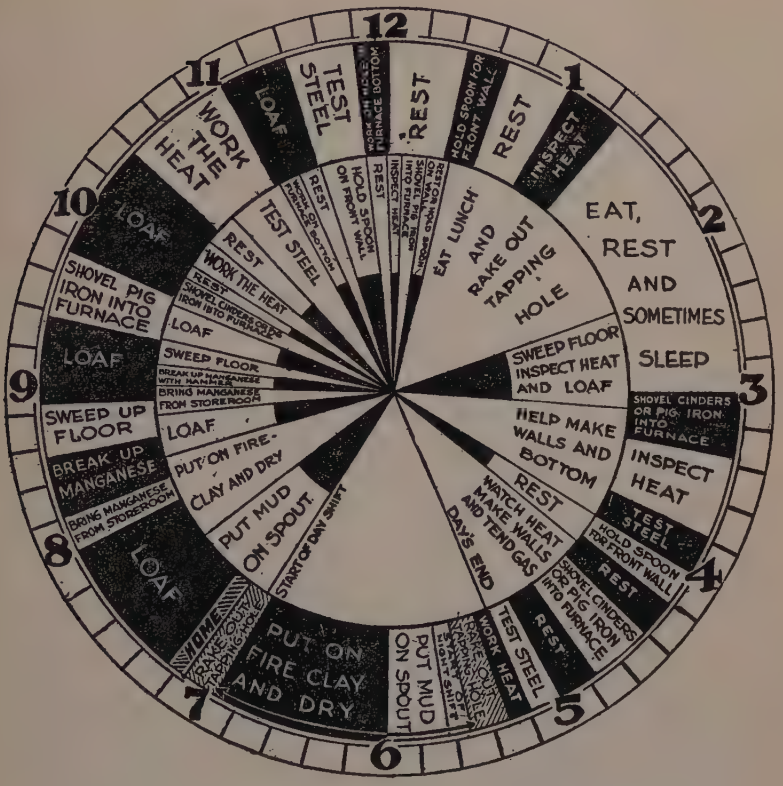
the availability of the additional workmen required." In view of this attitude, which reflected Judge Gary's contention all along as to "labor shortage," there was exceptional interest in the later dispatches from the steel centers which reported that the fears of insufficient labor were proving unfounded since "the new eight-hour day in the steel mills is attracting workmen who have never had any connection with the industry."

Abolish Excessive Hours Everywhere

Steel has capitulated. But only the future will tell whether "conditions" will continue to be regarded by the steel directors as favorable to a complete—and permanent—elimination of the twelve-hour day. And the present victory for public opinion will directly benefit only steel workers; **relief is still to come for thousands of workers in other industries who labor under the twelve-hour day and the seven-day week.** Because of the eminence of Judge Gary in the industrial world, public indignation could focus readily upon him and, in the light of nationwide publicity, get results. In the nature of things, lesser employers in various industries scattered throughout the country can not be reached so effectively by this method. The public, however, in making the case against excessive hours in steel, has made the case against excessive hours everywhere. It remains now to place all industries on an even basis of humane, as well as efficient, standards. It is only fair and reasonable that those employers who have yielded to public opinion be protected from the undercutting of any others who have been less humane, less responsive or less scrupulous.

Legislators need no longer hold any doubts as to the extent of public opposition to unreasonable working hours. For that reason the campaign of 1923, centering upon iron and steel, will doubtless prove a helpful influence in further extending protective legislation—**the only way in which the twelve-hour day and its companion iniquity, the seven-day week, can be certainly and permanently removed from American industry.**

A Steel Worker's Clock



—New York Daily News, July 6.

THIS clock shows how well filled is the day of the average worker in the Gary mills. The "short shift" —only ten hours—is explained in the inner circle, the outer circle describing the movements of the night worker who goes on duty at 5:30 and after fourteen hours' work gets through at 7:30 the next morning. Arrows indicate the worker's activities during the last two hours after he has finished his twelve-hour shift.

Calendar of the Twelve-Hour Day in the Steel Industry

1892 Homestead strike lost. 8-hour day abolished by Carnegie Steel Co. and 12-hour day became general throughout industry.

1909 The facts concerning hours in steel industry published for the first time by Pittsburgh Survey. The "prevailing" work day was found to be 12 hours long. 20,000 to 30,000 men in Allegheny county were working 7 days a week, with 24-hour shift every alternate week.

1910 U. S. Commissioner of Labor found that 63 per cent of the employees in iron and steel plants worked 12 hours a day and 29 per cent worked 7 days a week.

1910 Employees of Bethlehem Steel Co. struck unsuccessfully against 12-hour day and 7-day week.

1912 Stockholders of U. S. Steel Corporation adopted a report by a committee of stockholders, Stuyvesant Fish, chairman, appointed by Judge Gary the year before, which condemned 12-hour day and 7-day week. Matter was referred to Finance Committee for action.

1913 Finance Committee reported at annual meeting of stockholders of U. S. Steel Corporation that the 12-hour day could not be eliminated by the Corporation until its competitors took the same action. A resolution by a stockholder proposing cooperation by the whole steel industry in getting rid of 12 hours was tabled.

1919 More than 300,000 steel workers went on strike, demanding an 8-hour day, a 6-day week and collective bargaining.

1920 Strike lost.

1920 Judge Gary, Chairman of U. S. Steel Corporation, appointed a committee, consisting of presidents of subsidiary companies, to consider and report on adoption of 8-hour day. The committee report, which has never been made public, is understood to have been adverse to making any change in hours.

1920 At meeting of Taylor Society, H. B. Drury gave the results of a study he had made of 20 independent steel companies which had adopted the 8-hour day.

1922 President Harding, at a dinner at the White House to leading men in the steel industry, urges adoption of 8-hour day. A few days later Judge Gary, as president of the American Iron and Steel Institute, appoints another committee to consider the matter.

1923 May 25.—Judge Gary's committee presents an adverse report, which is unanimously adopted by the American Iron and Steel Institute, refusing under "present conditions" to abolish the 12-hour day.

1923 **August 2.—Following a ten weeks' storm of public criticism led by social service, church and engineering organizations, labor bodies and the press—and given expression by President Harding in a letter to Judge Gary requesting steel executives to pledge themselves to the abolition of the 12-hour day when a "surplus" of labor may be available—the Iron and Steel Institute came to the decision to eliminate the 12-hour day, beginning at once.**

1923 August 13.—Beginning made in replacing 12-hour with 8-hour shift in Steel Corporation mills.

Eight-Hour Shift Decreases "Labor Cost" and Increases Production

"OUR change from a twelve-hour to an eight-hour day was practical and has been successful."

This testimony comes from J. F. Welborn, president of the Colorado Fuel and Iron Company. It is contained in a letter to Raymond Fosdick, who represents John D. Rockefeller, Jr., on the board of the company, and was made public by the Federal Council of the Churches of Christ in America during the campaign against the Gary report of May 25, 1923, refusing to abolish the twelve-hour day in steel.

Mr. Welborn states that the change in hours was made November 1, 1918, "the hourly, tonnage and piece rates being increased 10 per cent when the working shift was reduced from twelve to eight hours." This action "followed numerous requests, made by employees, after the adoption of our Employees' Representation Plan early in 1916, that the twelve-hour work shift be eliminated." Continuing, Mr. Welborn writes:

"The immediate results, from the standpoint of production per man hour, and of labor cost per unit of output, were satisfactory, and where conditions have been comparable, it has been evident that we have lost nothing either in producing cost or output by reason of the change. * * *

"Recent careful analyses of operating results between various twelve- and eight-hour work periods have been made and show these results to be even more satisfactory than we had realized before. **The trend of production per man hour, with unimportant exceptions, has been upward since the adoption of the eight-hour day; and in every department of our steel manufacturing operations, from blast furnace to the wire mill, our production per man hour is now greater than it was when all of these activities were operating on the twelve-hour shift.** Comparing these results of the last few months with periods of similar production when basic rates were 10 per cent lower than current rates and the working time twelve hours per day, we find that **almost without exception our labor cost per ton is lower than in the earlier periods.**

"Furthermore, whenever the question of change made in the length of the working day has come up for discussion between officials and employees' representatives, **satisfaction with the change has been expressed by the employees.** * * *

"A factor of added interest is the fact that, with almost capacity operations at our steel plant during the last few months and employing over six thousand men, **we have experienced no shortage of labor.** Our operating officials have frequently expressed the belief that this condition is due, in large part at least, to adoption of the eight-hour shift."

The Public and the Labor Struggle

By John A. Fitch

(Editor's Note: The following article presents Mr. Fitch's able contribution to the discussion of "Industrial Waste and the General Welfare" at the Sixteenth Annual Meeting of the American Association for Labor Legislation, December 27, 1922.)

IT IS hard to identify the public. When a strike is on, the public is generally understood to be those who are not concerned in the controversy. Sometimes the public is thought of as consisting of consumers. Another conception of the public is from the standpoint of the state. Everyone, in his capacity as citizen, is a member of the public, and expresses himself at the ballot box.

None of these definitions is very good. They are useful principally in showing how impossible it is to divide society up into three groups and label them Capital, Labor and Public. When one begins to check off his friends and assign them to their proper groups, he is amazed to find how few are his acquaintances among the "Public." Most of them seem to belong either to "Capital" or to "Labor."

And yet, for practical purposes, there is a public. For practical purposes we are justified in thinking of the labor struggle as a series of isolated encounters, appearing now in a coal mine, now in a steel mill, and again in a building operation, instead of thinking of it as a class war. When we do that it is always possible to find a body of people sufficiently removed from the heat of a controversy to be able to make up its mind with some deliberation and coolness, **if it has access to the facts.**

What Can the Public Do?

The question is, what can this public do about industrial conflict? On the affirmative side, the public may and should inform itself concerning industrial relations. In particular it should endeavor to understand the real causes of a controversy before it proposes an adjustment. This puts a considerable burden on the leaders of public opinion. It is too much to expect that every single individual can find out about industrial matters for himself. He is too busy with his own affairs. He must depend upon the press, the pulpit, and the school to discover the truth for him, and to arrange it in a form to be readily assimilated. As a matter of fact, he will depend, not alone upon these agencies, but upon whatever agency for the molding of opinion is at hand, or whatever source of information happens to enjoy his confidence—the president of his bank, his lawyer, the head of a settlement, public lecturers, friends at the club, the barber and the bootblack. In this array of talent—of which the last are not necessarily the least competent—there is enough danger of error as

to place an additional burden upon everyone who is in a position of leadership of any sort. The press, the pulpit, and the school occupy a relation of trusteeship of such a character as to make any lapse from honest endeavor to ascertain and spread the truth a particularly reprehensible form of malfeasance.

More affirmatively still, the public may intervene in industrial relations, to ameliorate the condition of the workers, to safeguard public interests, and to lessen the shock and intensity of strife. It may do this most effectively by the establishment of legislative safeguards. **Through legislation designed to prevent injustice in the labor contract and to lessen the economic hazards of employment, the public may set a minimum base below which there may be no strife.** Thus the whole level of bargaining between employer and employees is raised to a higher plane.

A third affirmative act on the part of the public will be an effort to deal constructively with strikes. Activity in this field should include inquiry and dissemination of the facts behind the strike, and efforts in the direction of the establishment of peace and justice. It should not include compulsory arbitration.

These brief paragraphs indicate the limits within which the public—*i.e.*, those outside the immediate controversy—should concern itself directly with the problem of industrial strife.

Essential Limitations to Interference

The field of activity suggested has been discussed in great detail elsewhere. We are justified, therefore, in turning our attention to some of the essential limitations on public activity in industrial disputes. One obvious limitation is the fact that the employers and employees involved in a dispute know more about it as a rule than anyone else does. The general public is not expert in anything, though it is made up of experts on everything. If industrial peace is ever achieved, the details will be worked out in the shop and not in the legislature.

The thing I should like to emphasize here, however, is not the expert character of employers and wage-earners. That is important, but the primary reason why the public should consider very carefully any proposed interference in the labor struggle is the nature of that struggle. It is a different sort of thing from a quarrel over property rights. The law of property is fairly definite. When two men differ over the location of a line fence they are quarrelling about the facts, not about the law. If they go to court their lawyers endeavor to bring out such facts as will help their clients' case. Neither of them expects the court to promulgate a new law.

It is different with the labor struggle. What the wage-earners are after, fundamentally, is not a ruling on facts, but new rights. **In any given case the controversy may be over facts, but in the long run, and taking the labor movement as a whole, it is the effort of a group of people exposed to great economic uncertainty, to obtain security.** Everyone understands that, but what is not so readily perceived is that if security is to be had new rights will have to be won.

What the Trade Unions Want

Perhaps a glance at some of the current and understood objectives of trade unions will help to make this clear. One of the first things that a union seeks to get from an employer is a limitation on his free right of discharge. No union that amounts to anything will fail to safeguard its members at this point. The employer will be asked to agree that he will not discharge anyone without a good reason, and one that he can defend before a union committee.

All unions, whether radical or conservative, expect to get a concession of this sort from the employer. In seasonal industries they often go further. The employer is asked not to lay men off in dull times but to keep them all on the payroll, dividing the work among them. Such an arrangement is a common one in the clothing trade.

Here, then, it is clear that the unions are demanding new rights. The legal right of the employer to discharge at will is unlimited. The Supreme Court has made that perfectly clear. The union interposes its bargaining strength for the purpose of modifying that legal right, and the new right it is making a beginning of establishing for its members is no less than **a right to a job.**

Thus it is apparent that the unions are asking for more than a determination of facts. It is not the application of existing law to these facts that they seek, but the admission of the workers to a new position in industry—a new status enabling them to sit at the industrial fireside as of right, and not under sufferance.

But this is not all. Labor is asking for more than a right to a job. Labor is asking for **the right of maintenance by the industry in which the job is held.** We do not have to go to the Syndicalists of France or the Guild Socialists of England for evidence on this point. In American trade unionism we are beginning to hear about unemployment insurance. The Amalgamated Clothing Workers have made it a part of their program, and in Cleveland the Ladies Garment Workers Union have made an agreement with their employers in which forty-one weeks of employment in the year are guaranteed. If less than this amount of work is

available the employer is to pay two-thirds of the regular wage during the weeks of idleness—up to the limit of forty-one weeks.

To be sure, this is less than maintenance, but once you grant the obligation of the industry or of the state to compensate a worker who is unemployed through no fault of his own, you have accepted the principle of maintenance. You agree at once that the unemployed worker must not be left to starve. Unemployment insurance is designed to prevent him from starving. It is only a step from this to the principle that once a man has entered an industry and has proven his competency and his willingness to serve in that industry, he is entitled to a living out of it. This is what gives utmost significance to the unemployment insurance act of Great Britain and more strikingly still, to the unemployment insurance schemes of many American employers. Indeed, it is an American engineer and industrial manager who has asserted the principle as broadly as anyone:

"The first thing to note and reckon with is that each industry *needs a surplus of labor.* * * * The second is that the surplus, for the social good, should be kept as small as possible. The third is that the necessary surplus of labor in any industry *should be carried at the expense of the industry.*"[1]

The goal toward which labor is struggling therefore, and toward which even governments and employers are here and there giving him a boost, is one where the rights of the wage-earner will be secure, like those of the property owner. In asking for the right to keep a job once he has got it he is asking to be treated like a stockholder, and in asking for maintenance in the industry to which he is giving his life, he is asking to be treated like a bondholder.

A Majority of Society Involved

Any effort by the public to limit or set bounds to a movement as fundamental as that, is in danger of getting in the way of something inevitable. The struggle involves too large a proportion of the human race and its implications are too close to the purposes of civilization itself to make outside interference either sensible or safe. By interference I do not mean the legitimate policing activities of the state or the punishment of crime. I do mean efforts to suppress the organizations of the workers, or the forbidding by law or otherwise of the natural and legitimate activities of unions, such as striking, picketting, withholding of patronage and similar activities when free from violence. Attempts to forbid the struggle itself are attempts to assign to a majority of the members of organized society a condition of status.

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[1] John Calder, "Capital's Duty to the Wage-Earner," p. 235. Italics as in the original.

Maternity and Infancy Act Stands

By Irene Osgood Andrews

FEDERAL-STATE cooperation in maternity and infancy care will continue. The decision of the United States Supreme Court, June 4, rejecting the suits brought by the State of Massachusetts and by a citizen of that state against the Sheppard-Towner Act, completely justifies the confidence in the law that has led thirty-seven states to accept its provisions.

The state's suit complained that the act is an usurpation of the power of self-government reserved to the states. Justice Sutherland, in the court's opinion, effectively disposed of this contention by pointing out that "the powers of the state are not invaded since the statute imposes no obligation but simply extends an option which the state is free to accept or reject." He said further:

"If Congress enacted it with the ulterior purpose of tempting them (the states) to yield, that purpose may be effectively frustrated by the simple expedient of not yielding."

Fears had been expressed that, because of its decisions against the minimum wage and child labor laws, the Supreme Court would hold the Sheppard-Towner act unconstitutional. "Consequently," as the New York *Mail* of June 5 observed, "yesterday's decision upholding the act is doubly welcome to every one who appreciates the seriousness of the high infant and maternity death rates in this country. * * * We hope that before many years the educative and hygienic benefits of it will result in the saving of many of the 250,000 children and 25,000 mothers who die now [yearly] as a result of poor care at childbirth."

With more than three-fourths of the states having already adopted legislation to accept the benefits of the act—many of the laws conforming to the bill prepared by the Association for Labor Legislation—the court's decision should encourage early acceptance by the remaining states.

The principle of federal-state cooperation—given recent expression in vocational rehabilitation of disabled wage-earners and others, no less than in maternity care—remains unshaken.

Pioneering in Old Age Pension Laws

PENNSYLVANIA has become the pioneer among the great industrial states in the adoption of legislation for old age assistance. Two western states, Montana and Nevada, have also in 1923 enacted similar laws. Alaska has greatly extended her old age pension law of 1915, which was the first and, until the present year, the only law of this kind in the United States. Official commissions have been appointed in Massachusetts and Indiana to study the subject with a view to legislation and in Ohio old age pension legislation will be voted upon in a state referendum November 3.

It is significant that Alaska, following eight years of practical experience under a law for old age pensions should now extend the provisions of the law so as more nearly to meet present day needs of the aged veterans of industry. And it is especially momentous that Pennsylvania—one of the world's leading industrial commonwealths—by an overwhelming vote of 39 to 9 in the Senate and 131 to 29 in the Assembly, "has put the seal of her approval upon caring for dependent aged men and women without subjecting them to the abuses of the almshouses."

Governor Pinchot, in signing the old age pension bill, May 10, gave two reasons which he said appealed to him most strongly.

The first of these is that under its provisions couples who have lived the major portion of their lives together, need not be separated, as is the case now, when they are sent to our institutions. The other is that old men and old women, who, although poor, still have families who can do something to look after them, need not be taken away from these families—need not be taken away from those to whom they are accustomed and put in charge of strangers.

These notable advances of 1923 in American social legislation, should give a strong impetus to the movement for enlightened old age assistance in all states. A bill to insure a well-organized statewide system of old age pensions has been prepared with a view to general adoption. As pointed out in an earlier number of the REVIEW:[1]

"The greatly accelerated public interest in old age pension legislation led to a number of conferences during the past year, in which the American Association for Labor Legislation participated, resulting in the drafting of a standard bill for the assistance of the states. The standard bill for old age pensions, designed to keep families together where there are aged dependents, embodies the same principle as that underlying mothers' pension laws."

[1] See "Progress in Old Age Pension Legislation," by John B. Andrews in *American Labor Legislation Review*, Vol. XIII, No. 1, March, 1923, pp. 47-49.

A Blow to the Kansas Industrial Court

THE Kansas Industrial Court Act, widely heralded by its sponsors as an instrument for enforcing industrial peace, is unique on the continent of North America. No other court has been given the authority in industrial relations to make compulsory awards without the invitation of employers or workers.

Since legislation which restricts or prohibits strikes also restricts or prohibits collective bargaining itself, those who believe in the latter will find a measure of encouragement in the recent unanimous decision of the United States Supreme Court which devitalizes the act.

The law, adopted by Kansas in 1920, gives the Industrial Court certain powers of compulsion over industries affected with a "public interest." These industries are specified as the manufacture and preparation of food, the making of clothing, the production and transportation of fuel, and the public utilities and common carriers.

A test case was carried to the United States Supreme Court by a packing company which had been ordered by the Industrial Court to fix a minimum wage. Chief Justice Taft, in the opinion, held for the packing company because he can not believe that their particular business is "clothed with a public interest." He says:

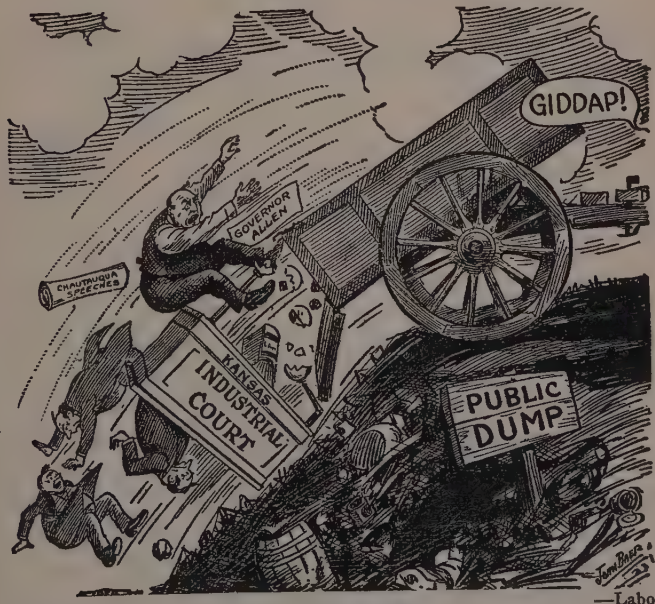
> It has never been supposed since the adoption of the Constitution, that the business of the butcher or the baker, the tailor, the wood-chopper, the mining operator or the miner was clothed with such a public interest that the price of his product or his wages could be fixed by state regulation. One does not devote one's property or business to the public use or clothe it with a public interest merely because one makes commodities for and sells to the public in the common callings of which those above mentioned are instances.

The decision strikes at the roots of the Kansas plan—and in the opinion of many leading papers definitely checks the movement for the adoption of compulsory arbitration in America—when it holds that "the Industrial Court Act, insofar as it permits the fixing of wages" in the plaintiff's packing house "is in conflict with the Fourteenth Amendment."

In this instance it was attempted to direct the power of the court primarily against the employer, but those familiar with the operation of the Kansas Industrial Court Act will recall that it has caused continual disorder, and—despite strenuous efforts in certain highly influential business groups—the law has not been copied elsewhere. The highest court's decision serves to lessen the prospect of other states making similar extreme experiments in labor legislation. Many who had sincerely favored the Kansas plan probably did so without appreciating that this is an instance where there is not inequality like the equal treatment of unequals.

—St. Louis Post-Dispatch.

A Twister from Washington



—Labor.

And That's That

Unemployment Insurance in the Clothing Industry

IN advance of the more nearly universal adoption of economic reforms by labor legislation, we usually note experiments by industry itself. All the more promising and helpful are these pioneer steps when taken by employers and workers together.

The Unemployment Insurance Fund for the 35,000 members of the Amalgamated Clothing Workers in Chicago—set up jointly by the clothing manufacturers and the Union and put into effect May 1—is an economic venture of highest significance. Successful plans for stabilizing employment, including unemployment funds, have been in operation in individual enterprises under constructive management, like that of the Dennison Manufacturing Company. But here, for the first time in American industrial life, **an industry assumes its responsibility for providing steady employment.**

Under the principles of the unemployment insurance fund of the clothing industry, any member of the union who has been at work for a year is entitled to benefits. If unemployed he will be paid up to 40 per cent of his full earnings, but not more than $20 a week.

Payments begin at the end of his second week out of work, and are restricted to five weeks of unemployment benefit in the calendar year.

Unemployment must be involuntary. No benefit is paid for unemployment arising out of "strikes, stoppages, or other cessation of work in violation of the trade agreement now in force between the manufacturers and the union."

Employer and employee both contribute to the Fund—the employees paying 1½ per cent of their wages and the employer an equal amount.

While politicians in Washington and throughout the country have been hesitating to deal like statesman with this constructive reform, it is most encouraging to find the clothing industry taking the lead in meeting definitely and courageously the most complex problem of modern industry. This newest attack upon unemployment is to be commended, not only for providing a measure of needed protection, but, what is more, for helping to an appreciation of the necessity for legislation as the only method of extending the protection of unemployment compensation to all industrial workers.

A Manufacturer Guarantees Steady Employment

FIVE thousand five hundred employees of the Procter and Gamble Soap Company are now guaranteed at least forty-eight weeks of work each year.

In announcing the plan for stabilizing employment, August 3, William Cooper Procter, president of the company, said:

There are four or five things that every worker wants. These are, first, good conditions of employment; second, reasonable work; third, to prosper as the industry prospers, and to have some provision for old age; fourth, some voice in the conduct of affairs in which he is directly interested; fifth, **security of employment.** So far we have given our employees the four first requests, and the fifth can now be granted.

Referring to security of employment as "the most important of all," Mr. Procter continued:

Could not the uncertainty of employment be lessened, so that our workers might enjoy to the full extent the privileges already given? The only way I saw to do this was to **stabilize the selling end of the business so as to regulate production.**

Hitherto the practice among jobbers and retailers has been to buy large stocks of soap at certain periods of the year and refuse to buy at others. This, of course, resulted in peaks and valleys of employment. At one time we had more than enough work, at another time more than enough employees. Yet when the totals fixed themselves at the end of each year's balance sheet we saw, allowing for a certain percentage of expansion, that consumption varied little from year to year.

Two years ago, then, we began to put into practice our theory of equalizing production. We worked to wipe out spasmodic buying. We started to provide ourselves with storage capacities to digest overproduction. Then, discouraging jobbers, we gradually made our selling direct, leaving out the jobber middlemen.

We came finally to the point where we were able to say to our retail customers, "You may buy as much as you wish, but we will not deliver it at once. We will hold it for your credit at the price prevailing at the time you ordered it, and deliver it in installments proportional to your needs."

Contrary to what might have been expected, the dealers were only too willing to acquiesce in this new plan, for the reason that we held at our own expense products which otherwise they must needs have stored in their cellars.

When we took this final step we reached the place where we could begin to make our production balance itself throughout the year. For the last two years this balance has prevailed. Never a week has passed in which all the employees were not working. So to-day there will be no radical change in the company's affairs. All that is done is to guarantee employees what they have been receiving for the last two years.

The plan for continuous work is thus summed up by Mr. Procter:

The company guarantees full pay for full time work for not less than forty-eight weeks in each calendar year, less only time lost by reason of the customary holiday closings, or through fire, flood, strike or other extreme emergency, and subject to these provisions:

The company reserves the right to transfer an employee to work other than that at which he is regularly employed, provided he is compensated for the work at his regular wage rate per hour.

The company reserves the right to discharge any employee at any time for any cause, and further reserves the right to terminate or modify this guarantee in whole or in part at any time after serving six months' notice to that effect.

The guarantee is limited to those who participate in the company's profit-sharing plan. These employees, however, compose most of our working personnel.

The employees, of course, derive benefit from the guarantee in the assurance of regular work and regular income. The company, however, draws a two-fold advantage from it. **We are able to schedule our production and run regularly.** If you acquire a steady stride in business you move along with more efficiency. There is a little added expense in carrying the stock that previously lay in the cellars of jobbers, but this is more than offset by the economy and regularity of operation.

Then there is the fact that we are going to increase the contentment of our employees, to solidify their interest in the company, by means of this guarantee. Contentment and interest are hard to measure in actual money. * * *

Ultimately we may have to provide some reserve fund in case we have made a mistake in guaranteeing employment. This may be from 5 to 7½ per cent of the employees' wages. But I do not expect we shall be obliged to do this.

Mr. Procter recommends that other large industries adopt the work guarantee plan. "By standardizing their production," he says, "they may increase their production. Coal mining, for instance, may well adopt it. By using our principle of selling, the mines may give their miners work for the year around. And," he adds, "I believe it will lessen industrial unrest by relieving the minds of the working class of the uncertainty of employment."

Constructive plans such as this, whereby individual employers enlist in a continuous war against unemployment, are of great social service, both in protecting the groups of workers affected, and in giving added impetus toward the adoption of legislation to safeguard the trail-blazing employers against undercutting by their less enlightened competitors as well as to provide a stimulus to all employers to stabilize employment.

Human Neglect Calls to Congress

Injured Workers in District of Columbia Still Unprotected

WORKERS in private employments in the District of Columbia —100,000 of them—still remain without the protection of accident compensation.

Responsibility for their plight rests solely upon Congress.

While the principle of workmen's compensation was almost universally adopted in America a decade ago—and Congress itself has extended this protection to public employees, both of the federal government and of the District of Columbia—nevertheless Congress has failed to provide a workmen's compensation law for the private employees in the District. Congress in all the years has neglected to enact even an employers' liability statute. There is not even an accident reporting law! These employees, when injured, are therefore peculiarly helpless since without any of the usual aids to recovery of damages they must sue under the harsh, outgrown and archaic rules of the common law.

The issue involved in the failure of the last Congress to adopt the well-considered Fitzgerald compensation bill is set forth in the article "Congress and the Insurance Lobby" on page 204 of this REVIEW. The bill, prepared by the American Association for Labor Legislation and carefully drafted to meet the peculiar conditions within the District, will be introduced in the new Congress which meets in December.

While Congress delays, serious injuries are constantly occurring, leaving a trail of suffering and destitution among the families of workers living almost in the shadow of the national capitol. New inquiries made by the Association for Labor Legislation and reported in the REVIEW, for December, 1922, revealed numerous tragic human experiences among these industrious families who are deprived of benefits of workmen's compensation.[1] Further inquiries made recently in Washington, by Mr. Joseph D. Becker, show that these tragedies continue to pile up as a national reproach.

The following typical cases offer eloquent testimony as to the need for a workmen's compensation law for the District:

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[1] "While Congress Delays 'Human Experience' Shows Need for Action," by Irene Sylvester Chubb. *American Labor Legislation Review*, Vol. XII, No. 4, December, 1922, pp. 204-207.

Gas Main Worker Asphyxiated—Widow Receives No Compensation.—On April 2, J. C., while working on a gas main, was overcome by gas and died on the way to the hospital. The gas company merely paid the funeral expenses and offered the widow a job which she was too ill to accept.

Carpenter Killed by Fall—Orphans Left Destitute.—On March 22, J. P., a carpenter, had his skull fractured when the scaffolding on which he was working broke and threw him upon a concrete floor below. He died the following day. He was a widower and leaves two children without support. The only income in sight for the boy and girl is $300 which the Carpenters' Union will pay when they become of age. The employer has paid nothing.

Carpenter Burned to Death—Widow Receives No Compensation.—While M. E. S. was trying to warm himself, February 9, 1922, by a fire at his place of employment, a fellow carpenter poured on gasoline by mistake. Both were badly burned. M. E. S. was confined to the hospital for four months and unable to work for three months longer. He could not resume his trade but did what little work he could until on January 28, 1923, he died as a result of the shock and injuries. His widow estimated his wage loss up to the time of his death at about $1,500 and it had been necessary for them to use up much of their savings. The Carpenters' Union had helped out with $70 sick benefit and $300 funeral benefit. The employer paid the hospital bill, but he failed to make any payment for the loss of working time while M. E. S. was disabled or to compensate the widow for her husband's death.

Electrician's Leg Is Broken by Elevator—Received No Compensation.—W. A. P., an electrical worker, was caught, June 9, 1921, by an elevator operated without warning signal in an unguarded shaft. His leg was broken. He was unable to resume work for thirteen months and is still under a doctor's care. His leg will be permanently misshapen and the accident has affected his health so as to cut down his earning power about 20 per cent. His hospital bills of $143 and doctor's bills of $800 have not yet been paid and his employer has not even offered to help. Nothing was paid him for loss of working time. While disabled, W. A. P. received $8 a week from the Electrical Workers' Union for thirteen weeks, then found it necessary to live on savings until they were used up, then had to borrow about $100. Meanwhile his wife went out to work. W. A. P. has arranged with a lawyer to bring suit on a 33⅓ per cent contingent fee basis.

Laborer Loses Leg—Gets Small Compensation.—While W. J. was excavating a basement on March 15 a bank caved in, so injuring his leg that it had to be amputated. He was under a doctor's care for over two months and is still unable to work. The loss of his leg will permanently impair his earning capacity. The employer's insurer settled for payment of medical expenses and $1,000, which is considerably less than would have been allowed under the average workmen's compensation law.

Employee Killed by Engine—Leaves Widow and Helpless Babe.—On December 23, 1922, R. D. B., an electrical inspector, was instantly killed by

a yard engine at the Washington Terminal. He left a wife and nine months' old baby. Except for $2,500 paid by the Employees' Relief Fund, Mrs. R. D. B. received no compensation for her husband's death.

Attempt to Coerce Injured Baker to Settle for Inadequate Sum.—E. M., a dough mixer, mashed his finger in a high-speed mixing machine. He was out of work for five weeks for which the employer's insurer offered him $25. He states that when he refused this, as inadequate compensation, he was told that he could not have his former job back unless he settled. His wage loss and doctor's bills until he secured another job amounted to about $400. Even then it was some time before he was able to earn his former wage because the finger was subject to drawing pains which impeded his work. He has arranged with a lawyer to bring a damage suit on a 25 per cent contingent fee basis.

Worker's Leg Broken—Receives No Compensation.—On March 14, F. L. was working for a transfer company when his fellow workman let a steel fixture fall on his leg, causing a compound fracture. He is still under a doctor's care and unable to work. He and his aged mother, of whom he is the sole support, have had to use up all savings and go in debt about $450. His employer has paid nothing. Despite the unmodified fellow servant rule of the District common law a lawyer has undertaken to sue for damages for F. L. on a 33⅓ per cent contingent fee basis in addition to $25 down.

Laborer's Arm and Ribs Broken—Receives No Compensation.—M. F. fell through a roof on which he was working, December 26, 1922, breaking his arm and five ribs. He was in the hospital until February 1, and resumed work February 8, although his arm is probably permanently partially impaired. While disabled M. F. and his wife had to use up all their savings and even to borrow about $40. His employer has paid nothing.

Many more cases like these could be cited. The new Congress is faced with the urgent necessity of adopting without unnecessary delay an accident compensation law that will provide certain and adequate protection for the thousands of private workers within the District of Columbia. The list of dependent widows and children and industrial cripples will continue to grow until Congress acts.

Congress and the Insurance Lobby

(EDITOR'S NOTE: The workmen's compensation bill for the 100,000 workers in private employments in the District of Columbia, drafted by the American Association for Labor Legislation, will be up for immediate consideration upon the convening of the new Congress in December. Commercial casualty insurance agents are certain to continue their efforts to defeat this much-needed legislation. The issue involved is well set forth in the following article from *The Searchlight*, Washington, D. C., on the fate of the bill in the last Congress.)

THE workmen's compensation bill for the District of Columbia, introduced in the early days of the last Congress, reached the Senate late in January of this year looking like Mary's lamb after its reputed visit to Pittsburgh. It was, in fact, so unsightly that it had to be killed by its friends, to save it from a worse fate—and likewise to prevent retrogression in the whole national movement for this type of labor legislation.

Workmen's compensation laws are labor laws. Nobody dissents from that definition. **The issue involved in this instance was whether a labor law should be framed and passed in the interest of commercial insurance companies or in the interests of labor.**

Because the District of Columbia has not even an accident reporting law, and is still operating under the out-of-date employers' liability plan which has been superseded in nearly all the states by workmen's compensation laws, Representative Fitzgerald of Ohio, introduced a compensation bill to protect the 106,000 workers in private employ in the District of Columbia. As in all such legislation, this bill provided that the employers shall carry insurance to guarantee medical care and a part of their wages to workers who may be injured in the course of their employment. As in eight state laws of similar character, including the Ohio law, the Fitzgerald bill provided that the insurance premiums paid by the employers be collected and disbursed by a Government commission which should serve as a tribunal to pass upon the merits of the claims presented. **This "state fund" insurance feature, advocated by the Government's own specialists on this subject, and by the American Association for Labor Legislation and by organized labor everywhere, is considered by them necessary to permit the administration of the law for what it is—a law under which industry is required to pay its own cost in respect to the accidental or occupational injury of its workers, a cost which is otherwise born by the worker.**

The "state fund" plan makes the bill non-commercial. It makes impossible any profit-taking by anybody. For that reason it is op-

posed by insurance companies, who advocate laws permitting them to carry the employers' insurance, instead of the state. The insurance companies call the "state fund" plan "socialistic." The workers contend that under the commercial insurance plan, the injured worker is pitted against the trained lawyers and adjusters of the insurance companies, at a time of his greatest physical and financial emergency, with every incentive to the company to defeat his claim for the sake of profit to itself.

Hearings on the Fitzgerald bill on the House side extended over many months, but after much controversy the House Committee on the District of Columbia reported the bill favorably and brought it to a vote in the House on January 22. Meantime, after the hearings were concluded, Representative Underhill of Massachusetts, a member of the Committee who had opposed the Fitzgerald bill, **introduced a bill of his own, drafted on the commercial insurance companies' plan, and giving them a free field for profit.**

The hearings and the Committee's report dealt with the Fitzgerald bill, because that was the only bill at that time before Congress. There never were any hearings in the House on the Underhill bill. Nevertheless, when the Fitzgerald bill was brought up for action by the House, Representative Underhill offered his bill as a substitute. Members complained that they did not have copies of the Underhill bill, and did not know what was in it. They urged that the House could not intelligently vote upon a measure which most of the members had never seen in print, or in fact, had even heard of before. There proved to be just seven copies of the Underhill bill in existence, and it was 46 pages long.

The House, however, voted 137 to 126 to **substitute the Underhill bill** for the Fitzgerald bill, and the Underhill bill was passed.

In the Senate, being late in the session, with filibusters going and others to be expected, the advocates of the defeated Fitzgerald bill did not press their corresponding measure in the Senate because of the obvious impossibility of carrying through the fight before March 4, since they would have to overturn the action of the House, even if successful in the Senate. But about the middle of February hearings **on the Underhill bill** were announced by the Senate Committee on the District of Columbia, Senator Ball, of Delaware, being chairman.

It was known in Washington that no employer had evinced any enthusiasm for the Underhill bill. It had been made clear in the

House hearings that every labor organization in the District of Columbia was for the Fitzgerald bill and therefore would not have urged Senate action on the Underhill bill, its rival. If there had been any doubt about the attitude of the workers affected by the proposed legislation, that was immediately disposed of by their representatives within the first half-hour of the Senate hearings. Before the hearings were over, the secretary of the Merchants and Manufacturers' Association of the District appeared and told the Committee his organization was opposed to the Underhill bill, and in fact to any workmen's compensation legislation at this time. Who, then, were pushing the Underhill bill? At whose instigation had the Senate hearings been called, since the parties legitimately at interest were not asking to have the Underhill bill passed?

One of the witnesses heard at great length by the House Committee was Mr. F. Robertson Jones, representing the casualty insurance companies of the United States; representing them not only at that hearing, but before state legislatures where workmen's compensation laws are being sought. Mr. Jones and various local insurance men were onlookers at the Senate hearing. Mr. Underhill and Senator Bayard of Delaware making their arguments and cross-questioning the witnesses from their point of view. Senator Capper of Kansas, a member of the Committee, finally remarked:

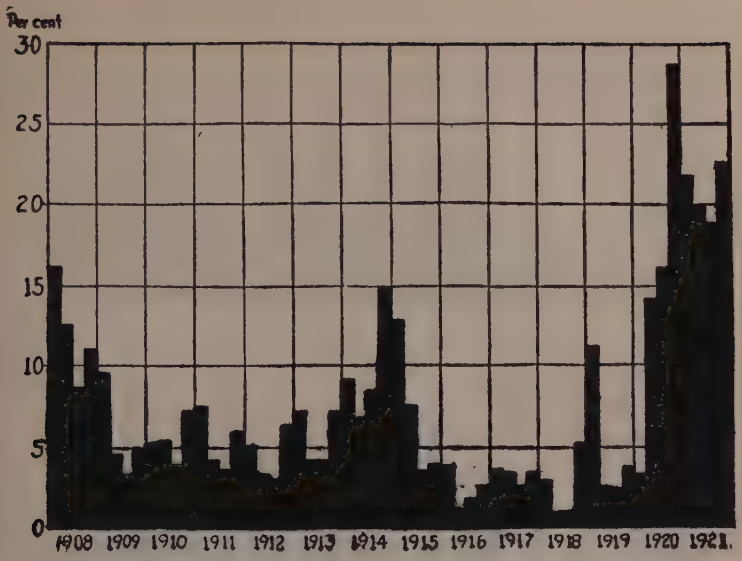
"As nearly as I can make it out, the insurance companies are the only people who want this bill."

The chairman of the committee was visibly embarrassed. He urged the workers' representatives to withdraw their opposition to the Underhill bill, because "it is the only bill that can be passed at this session, and the committee would like to report it." But the opponents of the Underhill bill were clear and positive that it was better to have no action at this session than to have such action as would turn their whole movement back in the direction of profits for insurance companies, from which in eight states it has escaped.

The chairman finally said:

"The sole object of this legislation, so far as Congress is concerned, is to protect the employees. The employers' representatives say it is not needed. The employees say they would rather have no bill than one of this kind unless it is specifically drawn along their own lines. If the insurance companies are the only people that want this bill, then certainly we will not pass any legislation now or at any time in the future so far as I am concerned."

So the bill died, mourned only by the chairman of the committee, Mr. Underhill, and the insurance companies.



Percentage of Unemployment Due to Lack of Work or Material Among Organized Wage-earners in Massachusetts, by quarters, 1908 to 1921.

The Cycle of Employment

This chart, from the federal bulletin No. 301 on "Industrial Unemployment," shows graphically how regularly unemployment crises have been recurring in recent years, and how much more severe the most recent depression was than the two preceding.

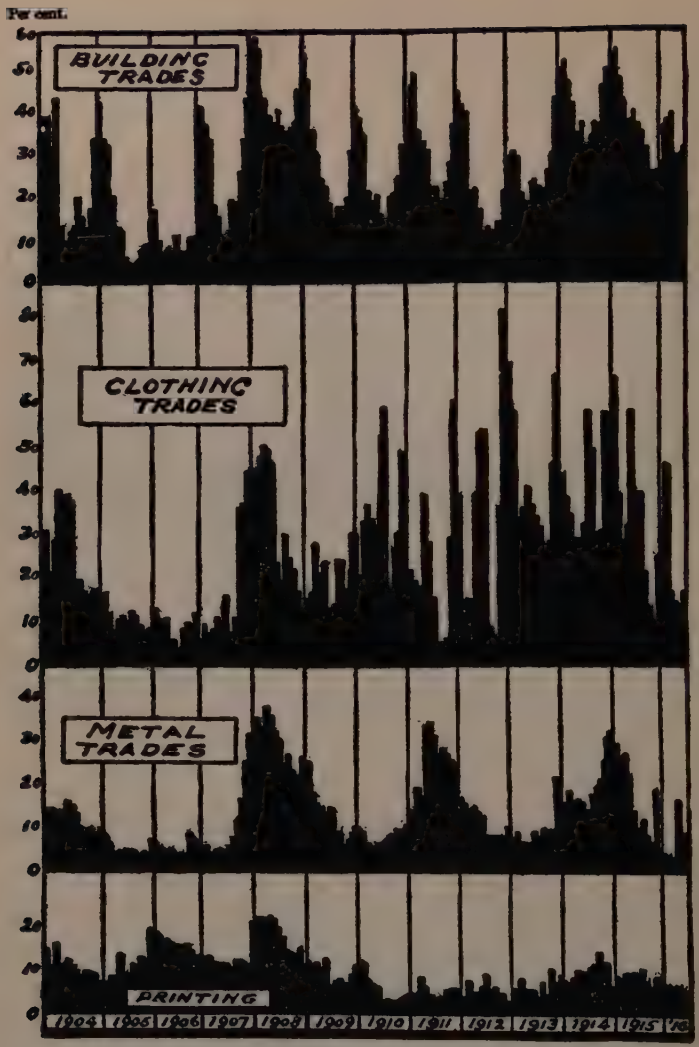
A Survey of Employment Statistics

AT all times about 10 per cent of the workers in American industry are idle through no fault of their own; while in the industrial depression of 1920-22 "the total percentage of unemployment ran (as nearly as can be determined) between 25 and 30 per cent."

These findings appear in a bulletin (No. 310) recently issued by the federal bureau of labor statistics on "Industrial Unemployment: A Statistical Study of Its Extent and Causes" by Ernest S. Bradford, a member of the economic advisory committee of the Presidents' Conference on Unemployment.

Mr. Bradford's principal conclusions, arrived at through careful study, are as follows:

1. Industrial wage-earners in those states for which data are available lose about 10 per cent of their working time through unemployment,



Percentage of Unemployment of Organized Wage-earners in New York State in the Building, Clothing, and Metal Trades, and in Printing, 1904 to 1916.

Seasons and Cycles

"This chart indicates strikingly the high percentage of unemployment in the clothing and building trades in New York State. The single winter peak each year in the building industry and the two peaks annually in the clothing industry are distinct from the wavelike (rather than the seasonal) curves of the metal trades, and the comparatively even line of the printing trades."

mainly from lack of work and exclusive of idleness due to sickness and labor disputes. On this basis, an average of at least a million and a half industrial wage-earners in the United States are constantly unemployed, taking poor and prosperous years together.

2. Two and a half per cent of the working time of industrial wage-earners appears to be lost from sickness and other disabilities, and an additional 1 per cent from labor disputes, or an average per worker from these two causes of about 10 days per year.

3. From such data as are available, it appears that partial unemployment, due to part-time operation of plants, shut-downs, time lost on account of waiting, and related causes, is responsible for a loss of about 10 per cent more of the working time of industrial wage earners. There may be some overlapping here with time lost from sickness and labor disputes.

4. There is a fairly regular seasonal decrease in employment in the manufacturing industries as a whole in midsummer and again in mid-winter.

5. The unemployment due to depressional factors was more pronounced in 1920-21 than in 1907-8 or 1914-15.

In other words—to follow through Mr. Bradford's findings—of 15,000,000 or 16,000,000 industrial workers, 1,500,000 on an average are unemployed mainly because they cannot get work, 375,000 are sick, 160,000 are locked out or on strike, and another 1,500,000 are on part time. The average worker, out of a 300-day working year, loses 30 days because he cannot get work, 7 through sickness, 3 from strikes and lockouts and 30 through part-time work. He is losing his pay 70 days out of the 300.

Statistics upon which these conclusions are based are given in the bulletin, and "are the result of an effort to coordinate and interpret the available information regarding the unemployment which exists year after year and to present it in graphic form for greater quickness and ease of understanding."

Mr. Bradford writes that in thus setting forth the more permanent factors in the unemployment problem and pointing out some of the elements composing it, the bulletin may aid in disclosing "what steps employers, wage-earners, and the public generally can take to make unemployment less frequent, employment more secure, and business and industrial conditions to this extent more stable."

This official bulletin is especially successful in making clear that the "state of the art" as applied to the statistics respecting unemployment is such as to leave much to be desired.

"For a country of such extended industrial interests as the United States," it declares, "the lack of adequate statistics on employment matters is surprising. Only by the most persistent and painstaking piecing together of existing data can they be made to present a reasonably adequate and consistent picture of American employment conditions. * * *

"When the country needs to know how much unemployment there is, where it is, how it compares with past unemployment, how rapidly it is growing or waning, and how much is seasonal or depressional, we are confronted with great gaps in our statistical knowledge, to be bridged only by information secured piecemeal regarding conditions in particular industries. **The primary need is for fuller and better data regarding employment and unemployment, collected and published regularly by a responsible statistical body of each state and of the United States."**

Reserve Public Works in Boom Times

"I RECENTLY made a recommendation that we defer all but the essential government works and public buildings as much as possible so as to give full swing to private construction. A representative and able commission of business men and labor which I requested to examine this question goes further and recommends that we should do all our public works in times of depression and thereby provide greater continuity of employment and contribute to plane out the valleys of depression and level the peaks of booms. This deferment of public construction is more important now than ever for we need the full use of labor and material for long overdue private construction. We wish no cessation in this prime necessity. This recommendation received commendation from hundreds of manufacturers, from labor organizations and contractors and the press. The inevitable criticism came from such a minority as to be negligible. Its reception is evidence of the enlightened and constructive thought of our manufacturers who look to the long run of prosperity rather than to the joys of short lived booms. *It would be very helpful if such a policy of construction reserve could be well established by states and municipalities as well as the federal government."—SECRETARY HOOVER.*

"A New Lesson in Social Organization"

"THE results of thus (by accident insurance legislation) throwing the burden on the employers, instead of apportioning the cost on the basis of responsibility and setting up a governmental agency to administer it, have been surprising in the extreme and have taught the world a new lesson in social organization. **The number of accidents and their gross cost to society has been reduced beyond the wildest dreams of the original authors of accident compensation laws.** And at the same time employers have saved money instead of adding a new item to their costs of doing business as was expected. * * *

"Is it not reasonable, then, to suggest, that if employers were required to insure their workers against unemployment as they do against accidents, with the same financial incentive to save expenses, more of them would be found who could iron out the fluctuations in their business? Moreover, if these individuals working alone can reduce variations in their business, is it not to be expected that still greater results could be attained by business men working in concert towards the same end? **Might we not look for a reduction of unemployment comparable with the reduction of accidents after the enactment of workmen's compensation laws?** Can we not take a page from our experience with workmen's compensation and devise laws which will throw on the employers at once the responsibility and the opportunity to reduce the cost?" asks GORTON JAMES in an article on "Paying For Workmen's Misfortunes" in *The North American Review* for May, 1923.

Negro Workers Migrate Northward

—New Orleans Times-Picayune

The Mirage

—New York Call

Keeping the Negro in the South

Two Views Pictured in Cartoons

Migration of negro workers from the fields of the South to the mills of the North—which began in numbers during the world war and is again becoming pronounced—presents a social and economic problem quite as important for popular consideration as that of immigration restriction legislation now so prominent in public discussion.

International Labor Legislation

THE American Association for Labor Legislation will be represented by its secretary at the conference of the **International Association on Unemployment**, in Luxemburg, September 9-11, and at the eleventh general assembly of the **International Association for Labor Legislation,** in Basle, October 11-13. Mr. Andrews will act as unofficial observer for the President's Unemployment Conference at the Luxemburg meeting.

PRIOR to the war the Association was represented regularly at the international scientific meetings, but this is the first year since 1919 in which an American representative of the international labor legislation and unemployment associations will meet in conference with European collaborators.

THE program, as finally adopted, for the general meeting in Luxemburg of the International Association on Unemployment, includes—in addition to questions of internal reorganization—the following subjects:

Emigration and settlement of unemployed persons abroad considered as a remedy for unemployment;

The relations between unemployment benefits and the development of possibilities of employment;

The problem of unemployment amongst intellectual workers (professional and technical workers, dismissed officials, etc.);

Vocational guidance in relation to the needs of the labor market;

Any other reports presented by the National Sections of the Association.

IN its announcement of the Luxemburg meeting, the **International Association on Unemployment** points out that a certain part of the work of the organization, as carried on since its founding in 1910, is at present being carried out by the official International Labor Organization set up by the Peace Treaty. "We nevertheless consider," it is stated, "that it is necessary, in addition to this great public organization set up by the Governments, to maintain an association such as ours, so as to provide a more intimate and informal link between the special institutions and personalities which devote their efforts to the prevention of unemployment in all countries of the World. Our association gives an opportunity for men of science, politicians, civil servants, municipal administrators, representatives of unemployment insurance systems and employment exchanges, bodies concerned with vocational

guidance, emigration and immigration, employers who are interested in social progress, and representatives of employers' and workers' organizations in all countries to meet in an entirely independent atmosphere in order to discuss the practical problems arising out of unemployment, to exchange experiences, and to work out new proposals."

A COMMITTEE of the International Association for Labor Legislation agreed at a meeting in Bregenz, July 26-27, to propose that the **International Congress of Social Politics** should be held at Basle, April 24, 1924. The program, as announced earlier, will include an introductory review of the state of social legislation in the world at the present time; an examination of the conditions of application of the international labor treaties and national labor laws, and of the execution of such treaties and labor laws, and the determination of the trend of post-war social politics. The committee also decided, with a view to preparing for the congress, to draw up a circular indicating new tendencies in social policy.

A LEGISLATIVE Decree of July 13, 1923, submitted by the King of **Italy** to Parliament "to be transformed into an act," gives full and complete effect to the Washington Draft Convention **limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week.**

ALONG with the announcement that **China** has established a permanent liaison service with the official International Labor Office, comes the information that protective labor legislation is being considered by the Chinese Parliament. A bill has been drafted which provides for the regulation of hours of labor, protection against accidents, old-age and invalidity pensions, and for guaranteeing the right of association. The workers' associations in various provinces, which drafted the bill, have urged that its provisions be inserted in the constitution of the republic.

GREAT BRITAIN has ratified two Draft Conventions of the third International Labor Conference, relating to **workmen's compensation in agriculture** and to **the rights of association and combination of agricultural workers.**

A CONFERENCE of representatives of **official labor statistical services** will meet at Geneva, October 29, 1923, to facilitate the scientific study of labor problems and to aid in securing the uniformity in labor statistics necessary to render them internationally comparable.

PROVISIONS of the Washington Draft Convention fixing the minimum age for admission of children to industrial employment have been enacted into law by **Japan,** as well as the Genoa Draft Convention fixing the minimum age for admission of children to employment at sea, and the Geneva Draft Convention concerning the compulsory medical examination of children and young persons employed at sea.

Book Reviews and Notes

Our Medicine Men. By Paul H. de Kruif. *New York, Century Company, 1922. 237 p.*—A masterful and perhaps too acrid analysis of the shortcomings of the present methods of medicine as a healing art. Unfortunately weak in its constructive proposals. The author condemns the present methods of group medicine but has nothing better than a modified method of group medicine to suggest.

The book should prove stimulating to advocates of far-reaching changes in medical organization, especially those who have in the past encountered the violent opposition of the medical profession to many progressive projects. But they will find no reply to the most important question; how to do away with existing economic and scientific shortcomings.

Labor and Politics. By Mollie Ray Carroll. *Boston, Houghton Mifflin, 1923. 206 p.*—A study of the attitude of the American Federation of Labor toward legislation and politics. Presents concisely and sympathetically the development during the past forty years of the Federation's emphasis upon economic methods, with its political activity upon the non-partisan basis of "reward your friends, punish your enemies." Finds that the Federation has favored legislation to protect special working groups, as children, women, seamen and government employees, as well as some protective measures for workers generally like accident compensation. Notes that the Federation's endorsement has been of aid in putting through protective labor laws, although the initiative behind much of the legislation and the campaigns of public education were the work of social service organizations, including the Child Labor Committee, the American Association for Labor Legislation, the Consumers League and the Women's Trade Union League.

Health Building and Life Extension. By Eugene Lyman Fisk. *New York, Macmillan, 1923. 521 p.*—This volume is the outcome of a survey of health conditions in industry undertaken by the Life Extension Institute for the Committee on the Elimination of Waste in Industry of the Federated American Engineering Societies. It goes beyond the scope of the original survey and includes not only industrial problems but also health factors affecting mankind in general. Of especial value are the data gathered by the Institute itself through its periodic health examinations of over a quarter of a million people. Advocates of workmen's health insurance will find here an additional convincing presentation of the appalling economic waste due to ill health among wage-earners. The book, although it does not take up health

insurance legislation, recommends a cooperative federal, state, community and industrial health organization "to aid in controlling and increasing the physical vigor of the nation."

Employment, Hours, and Earnings in Prosperity and Depression: United States: 1920-22. By Wilford I. King. *New York, National Bureau of Economic Research, 1923. 147 p.*—Results of a survey made by the National Bureau of Economic Research for the President's Conference on Unemployment. Presents salient facts on effect of business cycle upon different industries; relative stability of large and small concerns; shifting of labor and part-time employment. First adequate study of farm laborers. An excellent statistical analysis of unemployment in 1921. "Unemployment was primarily a phenomenon connected with undertakings of considerable size." Fundamental data now made available in this volume are an indispensable aid in planning for the permanent reduction of unemployment.

The High School Debate Book. By E. C. Robbins. *Chicago, McClurg, 1923. 215 p.*—Contains briefs for debate on eighteen topics of present public interest, including old age pensions and unemployment, in addition to helpful information for secondary school pupils on the rules of debating.

Twelfth Annual Report on Labour Organization in Canada. *Department of Labour, Ottawa, 1923. 315 p.*—Description of the objects and activities of the various labor organizations and groups in Canada during 1922. Includes directories of unions and union officials, lists of labor publications, and statistics of unionization.

Vacations With Pay for Factory Workers. By Grace Pugh. *Philadelphia, Consumers' League of Eastern Pennsylvania, 1923. 11 p.*—A classification of the forty-nine paid vacation schemes for factory workers reported in answer to 163 questionnaires circulated by the Consumers' League. Statements of many leading manufacturers are quoted to show the plan is successful.

Social Work in Hospitals. By Ida M. Cannon. *New York, Russell Sage Foundation, 1923. 247 p.*—New and revised edition of a valuable contribution to progressive medicine by the chief of social service of the Massachusetts General Hospital.

The Aftermath of Unemployment. *Annual Report (1922) of Philadelphia Society for Organizing Charity. 31 p.*—Contains eloquent data on the human cost of unemployment. Notes "a continuance of distress for many months after the actual presence of unemployment has gone."